

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, ex rel.)

LOUIS LONGO,)

Plaintiff-Relator)

v.)

Case No. 2:17-cv-01654-MJH

WHEELING HOSPITAL, INC.,)

R&V ASSOCIATES, LTD., and)

RONALD L. VIOLI)

Defendants.)

DECLARATION OF DR. BRADLEY SCHMITT

I, Dr. Bradley Schmitt, hereby declare as follows:

1. I am an adult over the age of eighteen (18) and a resident of the State of West Virginia.

2. The information contained in this Declaration is based on my personal knowledge.

If called to testify, I would state as follows:

3. I am a family-practice physician and have been employed by Wheeling Hospital ("Hospital") since 2004.

4. I live in Triadelphia, West Virginia which is approximately five miles from the Hospital in Wheeling, West Virginia.

5. My initial contract negotiations with the Hospital, as well as negotiations for my revised employment contract, all took place at the Hospital in Wheeling, West Virginia.

6. My paper patient files are maintained in my office at the Hospital in Wheeling, West Virginia.

7. During a regular work week, I currently see approximately 20 patients per day and my schedule often is booked two weeks in advance.

8. Approximately every six weeks, I have in-patient calls which run from Wednesday through the following Wednesday. During that time, I work longer hours and I tend to see over thirty patients per day. My schedule for in-patient calls is set approximately a year in advance and is very difficult to change.

9. If I had to travel to Pittsburgh, Pennsylvania to testify or attend other proceedings in this case, it would be very disruptive to my patients and practice. Depending on the amount of advance notice that I receive, I might have to cancel patient appointments. In that circumstance, patients would have to re-schedule their appointments and likely would have to wait at least two weeks for an opening on my calendar, or even longer if I have an in-patient call week scheduled. This could result in unhappy patients who may choose to obtain care from another provider.

10. If I had to testify or attend court proceedings in Pittsburgh during an in-patient call week, it would be difficult for me to find another physician to cover my patient appointments due to the way those work weeks are scheduled.

11. It would be much more convenient if the trial and other court proceedings in this case were in Wheeling, West Virginia because the federal courthouse in Wheeling, located at 1125 Chapline Street, is less than four miles from the Hospital. This would lessen my travel-related lost work time and other hardships because I could see patients before and/or after my court appearances. In addition, if I had to testify or otherwise appear in court in Wheeling, I could quickly return to the Hospital in the event of an emergency.

12. If called to testify in this case, I would further testify regarding my contract (including compensation) negotiations with the Hospital, my medical practice and procedures, and the billing protocols used in my practice.

I declare under penalty of perjury that the foregoing is true and correct.

Dated May 9, 2019
in Wheeling, West Virginia

 5-9-19

Dr. Bradley Schmitt